IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1233 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CENTRAL BANK OF INDIA

Versus

TEXTILE LABOUR ASSOCIATION

Appearance:

1. Special Civil Application No. 1233 of 1988
MR VB PATEL for Petitioner No. 1 (Absent)
Mr.Vasavada for Respondent No. 1
Mr.Mahapatra for
MR SI NANAVATI for Respondent No. 2-5

CORAM : HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 07/07/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.K.TRIVEDI)

1. The petitioner Central Bank of India has filed this petition seeking relief of staying the operation and implementation of the order passed by the Payment of Wages Authority, Ahmedabad dated 28.1.1988 supported with an affidavit of Shri S.A. Deshpande, Chief Manager dated 10.3.1988. The said petition when listed before the court for admission, the Division Bench (Coram: P.R.Gokulakrishnan, C.J. and R.J.Shah,J) has as per order dated 11.3.1988 passed the following order:-

"Rule. To be heard with Spl.C.A.No.6740/87. Ad interim relief to the effect that the final order should not be implemented vis a vis the properties in respect of which the attachment is levied.

Copy of the order may be sent to the Authority of Payment of Wages.

11.3.1988"

2. This mater was notified on final hearing board after reopening of the vacation before us at Sr.No.1. After admission work was over yesterday i.e. on 6.7.2004 at 4.0 P.M. when this matter was called out, counsel for the parties were absent and as the counsel were absent, we have kept the matter today for hearing.

3. On examining the petition, it is the case of the petitioner that in two petitions being Special Civil Application No.6647 of 1987 and Special Civil Application No.6740 of 1987 similar contention is taken and the same are admitted by the court as per orders dated 16.12.1987 and 22.12.87 concerning the staff of Gujarat Textile Ltd. and Ahmedabad Shri Ramkrishna Mills Company Ltd. respectively and interim relief was granted in the said petitions and the petitioner has also annexed the order at Annexure "B" collectively. While circulating this petition, the Registry of this court has also enclosed the order passed by the Division Bench dated 4.12.2002 in Special Civil Application No.6740 of 1987. The Division Bench had dismissed the said petition for default by observing that though the petitioner was served, the petitioner has not appeared and accordingly petition was dismissed for default and rule issued earlier was discharged with cost, by imposing cost of Rs.5000/-- to be deposited in the Registry of this court by granting time upto 31.12.2002 and the interim relief granted was

vacated. The said petition was also filed by Central Bank of India. No steps were taken by the petitioner in that petition after the order was passed by the Division Bench on 4.12.2002. We have also inquired with the Registry about the petition being Special Civil Application No.6647 of 1987 and we were told that it was also disposed off long back.

4. We have heard Mr. Vasavada, learned advocate appearing for respondent No.1, namely, Textile Labour Association and Mr. Mahapatra, learned advocate, who appeared for respondents Nos.2 to 5. Mr. Vasavada appearing for respondent No.1 has submitted that Vijay Mills Company Ltd. - respondent No.5 herein was wound up as per the order passed by the Company Judge and the said Company was under liquidation. He further states that as per the order passed by the Company Judge in the Company proceedings, the Court has also passed order regarding disbursement of the fund in favour of the workers as well as in favour of the petitioner. Considering this background, the petition has become infructuous. Accordingly Rule discharged. Interim relief stands vacated. However, there will be no order as to costs.

(D.K.Trivedi,J)

(K.M.Mehta,J)

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